



**CITY OF CORNING
CITY COUNCIL MINUTES**

**TUESDAY, OCTOBER 26, 2010
CITY COUNCIL CHAMBERS
794 THIRD STREET**

A. CALL TO ORDER: 7:30 p.m.

B. ROLL CALL:

Council:

Vacant

Ross Turner

Toni Parkins

John Leach

Mayor:

Gary Strack

All members of the City Council were present except Councilor Parkins with one vacancy remaining on the Council.

C. PLEDGE OF ALLEGIANCE: Led by the City Manager.

D. PROCLAMATIONS, RECOGNITION'S, APPOINTMENTS, PRESENTATIONS:

- 1. Proclamation Designating October 29th – November 7, 2010 as Buddy Poppy Days in the City of Corning.** Mayor Strack presented the Proclamation to Veterans Service Officer Jim Darrow of Post 4218 and Alice Bechelli of the VFW Auxiliary.

E. BUSINESS FROM THE FLOOR:

John Richards: Representing the Corning Skateboard and Bike Park Association addressed the Council and asked if the City had received any updates on the status of the Prop. 84 Grant Application submitted by the City? Planning Director John Stoufer responded stating that he checked the website today and all it said was that news should be received in the fall of 2010. Mayor Strack assured Mr. Richards that as soon as the City receives word, one way or the other, the City will notify the papers and his association. Mr. Richards also stated that he has discussed with Judge John Garaventa the possibility of starting a Community Service program for juveniles that he has volunteered to supervise.

Councilor Parkins entered the meeting at 7:40 p.m. and apologized for being late.

F. CONSENT AGENDA: It is recommended that items listed on the Consent Agenda be acted on simultaneously unless a Councilmember or members of the audience requests separate discussion and/or action.

- 2. Waive reading, except by title, of any Ordinance under consideration at this meeting for either introduction or passage, per Government Code Section 36934.**
- 3. Waive the Reading and Approve the Minutes of the following City Council Meetings with any necessary corrections:**
 - (a) September 28, 2010; and**
 - (b) October 12, 2010**
- 4. October 20, 2010 Claim Warrant - \$280,641.43.**
- 5. October 20, 2010 Business License Report.**
- 6. Approve Progress Pay Estimate No. 2 in the Amount of \$8,200 to Northwest Paving for the 2010 Street Improvement Projects.**

7. **Approve Rodger's Theater Improvement Project Contract Change Order No. 1 in the Amount of \$2,475.69 for a total Project Cost of \$179,084.69.**
8. **Approve and Accept the Notice of Completion for the 2010 Street Improvement Projects and Authorize the Release of Contract Retention in the amount of \$18,488.01 to Northwest Paving.**

Mayor Strack asked a question about the total amount the City would be paying for the retention on Consent Item No. 6, 2010 Street Improvement Projects.

Councilor Leach requested that Consent Item No. 7 be pulled for an explanation of the requested Change Order.

Councilor Turner moved to approve Consent Items 2-6 and 8 with Councilor Leach seconding the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 4-0 with one vacancy remaining on the Council.**

G. ITEMS REMOVED FROM THE CONSENT AGENDA:

7. **Approve Rodger's Theater Improvement Project Contract Change Order No. 1 in the Amount of \$2,475.69 for a total Project Cost of \$179,084.69.**

Public Works Director John Brewer stated that during the demolition phase of the theater project, laborers discovered two concrete stemwalls beneath the framing above the former loge seating area. Mr. Brewer explained that the requested Change Order for the Theater Project is necessary in order to lower existing concrete stemwalls that will otherwise conflict with future restroom improvements.

With no further comments, Councilor Leach moved to approve Contract Change Order No. 1 increasing the Rodgers Theater Improvement Project by \$2,475.69 for a total project cost of \$179,084.69. Councilor Parkins seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 4-0 with one vacancy remaining on the Council.**

H. PUBLIC HEARINGS AND MEETINGS: Any person may speak on items scheduled for hearing at the time the Mayor declares the Hearing open. **ALL LEGAL NOTICES PUBLISHED IN ACCORDANCE WITH LAW.** None.

I. REGULAR AGENDA:

9. **Adopt Resolution No. 10-26-2010-02 Authorizing the City Clerk to Record Tax Liens on 22 Properties totaling \$8,505.28 for Delinquent Water and Sewer Payments.**

Mayor Strack introduced this item by title and City Manager Kimbrough explained the reasoning behind the process. Mr. Kimbrough explained that this is intended to protect the City as many of the properties currently delinquent are foreclosures, quick sales, etc. He further stated that the City has somewhat exhausted other standard methods for collecting on delinquent payments, however under the current foreclosure situations, locating the responsible party has become difficult. City Clerk Lisa Linnet stated that the property owners would be notified 30-days prior to the liens being filed via standard mail. She further stated that utilizing the authority granted by our City Municipal Codes to file property liens is somewhat of a last opportunity to collect on these accounts.

Councilor Turner: Questioned whether the letters should be sent via certified mail. City Clerk Lisa Linnet stated that sending the letter certified requires recipient signature, if no one is available to sign for the letters or should they chose not to sign, the letters fall through the cracks. Sending the letters via regular mail shows that the City has done their due diligence in trying to notify the property owners.

Councilor Turner moved to adopt Resolution 10-26-2010-02 approving the recording of the Resolution and attached Notice of Lien in the combined amount of \$8,505.28 on the properties listed on Exhibit "A" attached. Councilor Leach seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 4-0 with one vacancy remaining on the Council.**

10. Adopt Resolution 10-26-2010-01 Accepting the 2010 California Citizen's Options for Public Safety Grant in the amount of \$100,000.

Mayor Strack introduced this item by title. After confirmation that this has been budgeted, Councilor Parkins moved to adopt Resolution 10-26-2010-01 accepting the funds offered through the Citizen's Options for Public Safety Grant and approve the use of these monies to continue funding the Police Detective Position in the Police Department. Councilor Leach seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 4-0 with one vacancy remaining on the Council.**

11. Report on the Award in the Amount of \$800,000 from the General Allocation of the State Community Development Block Grant (CDBG) Program Application for Street Widening and Drainage Improvements to Blackburn Avenue.

Mayor Strack introduced this item by title and stated that Councilor Turner manages an adjacent property and therefore will not participate in any discussion. Councilor Turner left the Council dias and sat in the audience during discussion of this item. City Manager Kimbrough explained that this is tied to the grant provisions relating to the single-family homes associated with the Salado Orchard Apts. Complex. Councilor Leach asked about a timeframe on when we will receive the funds; Planning Director Stoufer stated hopefully within 6-8 weeks, however after our last encounter we aren't holding our breath. Mayor Strack asked if the City had gotten the right-of-way needed for this improvement; he was informed yes. **No action from Council needed.**

12. Approve Addition of Youth Basketball to the City's Recreation Program.

Mayor Strack introduced this item stating that Corning Rotary again will support this program and Maywood Middle School Teacher Phil Mishoe has volunteered to organize it and will utilize High School Volunteers to assist. Mr. Kimbrough stated that this Staff Report encompasses the Rotary donation that will go into a separate fund.

Councilor Leach moved to approve the addition of the "Corning Rotary Youth Basketball League" to the list of approved Recreation Programs provided by the City, accept the Rotary Commitment of \$2,000 and appropriate \$200 to account 352-5100-3300 and \$2,000 to 352-6347-3300. Councilor Turner seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 4-0 with one vacancy remaining on the Council.**

J. ITEMS PLACED ON THE AGENDA FROM THE FLOOR:

Mayor Strack stated that the City Attorney would like to add a Closed Session regarding the Cofer vs. the City of Corning and Gary Strack litigation to the Agenda following "Reports from Mayor and Council Members" since some information has been presented following the posting of the Agenda. Councilor Turner moved to add the Closed Session and Councilor Leach seconded the motion. **Ayes: Strack, Turner, Parkins and Leach. Opposed: None. Absent/Abstain: None. Motion was approved by a vote of 4-0 with one vacancy remaining on the Council.**

K. COMMUNICATIONS, CORRESPONDENCE AND INFORMATION:

City Clerk Lisa Linnet read a Thank You card received from Rob, Heidi, Brant and Shae Mesker and the Tournament Crew in relation to the 2nd Annual Tucker Mesker Memorial Tournament.

L. REPORTS FROM MAYOR AND COUNCIL MEMBERS: City Councilmembers will report on attendance at conferences/meetings reimbursed at City expense (Requirement of Assembly Bill 1234).

Turner: Reported on the attendance of he, Mayor Strack and the City Administrator at the Memorial Service yesterday for former Airport Commissioner Jerry Rindahl. Secondly, he reported that within the last week to ten days there has been somewhat of an ongoing problem with the CHP, growers, and haulers that have been hauling fruit into Bell Carter with inspections by three teams of two of the Department of Transportation Safety for CHP and has created a lot of tension, problems and some arrests. The majority of these have resulted in fix-it corrections for truckers. They have a job to do and it is a training ground for truck inspectors. Although no one wants any delays, however this is a safety factor. He and Gary have discussed this and will suggest at next years growers meeting the possibility of producing some type of flyer for distribution regarding the safety regulations

Parkins: None.

Leach: Reported on the Community Action Agency Meeting.

Strack: Mayor Strack congratulated Fire Chief Martin Spannaus and the Corning Volunteer Fire Department on their first place win for rib cooking at the Rolling Hills Casino event this past weekend. Mayor Strack also stated that John Brewer has contacted and spoken with the owner of Golden West Mobile Homes who stated that the reason for delaying completion of the development of their site on Highway 99W is the downturn in the economy and he emphasized that they were happy with the service provided by the City.

The **Brown Act** requires that the Council provide the opportunity for persons in the audience to briefly address the Council on the subject(s) scheduled for tonights closed session. Is there anyone wanting to comment on the subject(s) the Council will be discussing in closed session? If so, please come to the podium, identify yourself and give us your comments.

Public Comments: No comments were received from the public.

M. ADJOURN TO CLOSED SESSION: 8:06 p.m.

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subdivision (a)
of Section 54956.9):**

Cofer vs. the City of Corning and Gary Strack

N. RECONVENE AND REPORT ON CLOSED SESSION: 8:43 p.m.

Mayor Strack reported that the Council met in Closed Session with Legal Council and gave him direction.

O. ADJOURNMENT!: 8:44 p.m.

Lisa M. Linnet, City Clerk